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2 **So Ordered.**



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

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4 **Dated: December 19th, 2013**

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10 **UNITED STATES BANKRUPTCY COURT**
11 **IN AND FOR THE EASTERN DISTRICT OF WASHINGTON**

12 In re:

No.: **13-00505-FPC11**

13 **TAD A. GROPP,**

Chapter 11

14 Debtors.

CONCLUSIONS OF LAW

15
16 **THIS MATTER** came on for hearing on December 19, 2013 on the First Amended
17 Plan of Reorganization filed herein on July 29, 2013, under docket number 144 (the
18 "Plan"), and the Court having entered its Finding of Fact, based upon the evidence
19 produced, the Court now makes the following:

20
21 **CONCLUSIONS OF LAW**

22 1. The Plan has been accepted in writing by the creditors and equity security
23 holders whose acceptance is required by law;

24 2. The provisions of Chapter 11 have been complied with and the Plan has
25 been proposed in good faith and not by means forbidden by law;

Conclusions of Law-1

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1 3. (i) Each holder of a claim or interest has accepted the Plan or will receive or
2 retain under the Plan, property of a value, as of the effective date of the Plan, that is not
3 less than the amount that such holder would receive or retain if the Debtor was liquidated
4 under Chapter 7 of the Code on such date, or (ii) the Plan does not discriminate unfairly,
5 and is fair and equitable with respect to each class of claims or interest that are impaired
6 under the Plan and has not accepted the Plan;

7 4. All payments made or promised by the Debtor or by a person issuing
8 securities or acquiring property under the Plan or by an other person for services or for
9 costs and expenses in, or in connection with, the Plan and incident to the case, have been
10 fully disclosed to the Court and are reasonable or, if to be fixed after confirmation of the
11 Plan, will be subject to approval of the Court;

12 5. The identity of any insider that will be employed or retained by the Debtor
13 and his compensation has been fully disclosed;

14 6. (i) Confirmation of the Plan is not likely to be followed by the liquidation or
15 the need for further financial reorganization of the Debtor or (ii) if the Plan is a Plan of
16 liquidation, the Plan sets a time period in which liquidation will be accomplished, and
17 provides for eventuality if the liquidation is not accomplished in that period;

18 7. Substantial consummation shall not occur before the sixtieth (60th) day after
19 the Effective Date;

20 8. This Debtor's Plan is hereby confirmed, subject to the following:

21 a. The Plan is amended to provide that, notwithstanding any
22 provision in the Plan to the contrary, should any document or writing
23 supporting the claim of Inland Northwest Bank ("INB") provide for a late

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Conclusions of Law-2
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1 payment, charge, assessment, attorneys fees, costs, and/or default
2 interest (collectively "Fees, Costs, and Default Interest"), said Fees, Costs,
3 and Default Interest shall be allowed to the extent the Court determines
4 such Fees, Costs, and Default Interest are allowable After Notice and
5 Hearing.

6 b. Notwithstanding any provision in the plan to the contrary,
7 Article XII of the Plan does not apply to the secured claim of INB.

8 c. Notwithstanding any provision in the plan to the contrary,
9 Article XI of the Plan is hereby modified to provide that, "Except as
10 otherwise provided in this Plan, the method of paying or providing for
11 Creditors in this Plan is in lieu of any other payment and/or treatment. To
12 that extent, the writings and documents of some Creditors requiring certain
13 payments or the performance of certain obligations are altered and
14 amended."
15

16 ///END OF ORDER///
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18

19 PRESENTED BY:

20 SOUTHWELL & O'ROURKE, P.S.
21

22 BY: s/ Kevin O'Rourke
23 KEVIN O'ROURKE WSBA #28912
24 Attorney for Debtor
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Conclusions of Law-3

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1 APPROVED AS TO FORM AND CONTENT
2 NOTICE OF PRESENTMENT WAIVED

3 STOCKER, SMITH, LUCIANI & STAUB, PLLC

4 BY: s/ Scott R. Smith
5 SCOTT R. SMITH, WSBA #16380
6 Attorneys for Inland Northwest Bank
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Conclusions of Law-4

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